

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1996 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRAKASHBHAI TUKARAM VARULE

Versus

BABUBHAI SANKALCHAND MODI

Appearance:

MR DP KINARIWALA for Petitioners

MR MB GANDHI for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/01/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr. M. B. Gandhi, learned Advocate appearing for the Respondent.

2. Applicants herein are the tenants of the suit premises and the respondent is the landlord thereof. The applicants having lost before the Appellate Court in Civil Appeal No. 42 of 1993 and consequently facing Decree for eviction, has filed this Revision Application

under Section 29 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 ("the Act" for short).

3. After some amount of submission Mr.D.P.Kinariwala, learned Advocate for the petitioners seeks to withdraw this petition, under the instructions of his clients, out of whom petitioner No.1 is present in the Court, with a request to grant time to vacate the Suit premises upto 31st January 1999. Mr. M.B.Gandhi, learned Advocate for the respondent, under the instruction from his client, who is present in the Court, has expressed his no objection to grant time on usual terms and conditions by way of concession.

4. Hence, following order is passed :

While dismissing this Revision Application as withdrawn the petitioners are granted time to vacate the suit premises on or before 31st January 1999 on usual terms and conditions including the condition with regard to filing of Undertaking before this Court on or before 15.2.1997.

Subject to what is stated above, Rule is discharged. No order as to costs. Direct service permitted.

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